

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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COURTNEY JAYNE, individually and as : 4:18-cv-04088-KES

Personal Representative of the Estate of
Maggie Zaiger,

Plaintiff, :

vs.

**DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

CITY OF SIOUX FALLS, :

Defendant.

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Under Fed. R. Civ. P. 56, Defendant the City of Sioux Falls moves that the Court grant summary judgment dismissing Plaintiffs' complaint. The facts do not establish willful and wanton misconduct as a matter of law as required by SDCL §§ 20-9-20 and 20-9-21. This motion is supported by a statement of undisputed material facts, a brief, and an affidavit of counsel with attached exhibits.

Dated this 1st day of October, 2019.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ James E. Moore

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Defendant's Motion for Summary Judgment

CERTIFICATE OF SERVICE

I certify that on the 1st day of October, 2019, a true and correct copy of the foregoing Defendant's Motion for Summary Judgment was served via electronic mail, upon the following:

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/s/ James E. Moore